UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 August 2010_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _3,6,7,9,10,14,18,20-22,26,29-31,33-37 and 44-47_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _3, 6, 7, 9, 10, 14, 18, 20-22, 26, 29-31, 33-37, 44-47_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 8/02/2010 has been entered.

Response to Amendment

2.   This action is responsive to an Amendment filed 8/02/2010. Claims **3, 6, 7, 9, 10, 14, 18,**

20-22, 26, 29-31, 33-37, 44-47 are pending. Claims **3, 6, 7, 9, 14, 18, 20-22, 29, 31, 33, 44-46**

are amended. Claims **1, 2, 4, 5, 8, 11-13, 15-17, 19, 23-25, 27, 28, 32, 38-43** are canceled.

Claim **47** is new. The examiner hereby withdraws the rejection of claims **14, 15, 18, 20-22, 45**

under 35 USC 101, in light of the amendment.

Response to Arguments

3.   Applicant's arguments regarding claims **44-47**, filed 8/02/2010, have been considered,

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims **3**, **6**, **7**, **9**, **10**, **14**, **18**, **20-22**, **44**, **45**, **47** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Shoff et al. in view of Harper et al.

Referring to claim **3**, the combination of Shoff et al. and Harper et al. teaches the method

of claim 44, wherein retrieving the identified portion of the plurality of subsidiary data comprises

obtaining the identified portion from the storage, wherein the storage is a local nonvolatile

storage medium of a set-top system (CD-ROM)(Shoff et al. col. 7, l. 61-67 & col. 8, l. 1-3).

Referring to claim **6**, the combination of Shoff et al. and Harper et al. teaches the method

of claim 44, wherein the primary content data comprises data of at least one of a television

broadcast (Shoff et al. col. 2, l. 62-63), a digital satellite broadcast (Shoff et al. col. 5, l. 3), and

an Internet broadcast.
NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any

reference containing any of the subsequent corresponding elements.

Referring to claim **7**, the combination of Shoff et al. and Harper et al. teaches the method

of claim 44, wherein the user interface is further configured to facilitate entry of one or more

search terms for searching the storage to locate one or more portions of subsidiary data (Shoff et

al. col. 11, l. 25-47 & Figs. 8b, 8c).

Referring to claim **9**, the combination of Shoff et al. and Harper et al. teaches the method

of claim 44, further comprising retrieving, by the subsidiary data control device, the subsidiary

data from a remote server (Shoff et al. col. 14, l. 30-41).

Referring to claim **10**, the combination of Shoff et al. and Harper et al. teaches the

method of claim 44, the identified portion comprises at least one of reference information

regarding a program of the primary content data (Shoff et al. col. 11, l. 25-33), biographical

information regarding actors (Shoff et al. col. 11, l. 25-33), guests or participants of a program of

the primary content data (Shoff et al. col. 11, l. 25-33).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any

reference containing any of the subsequent corresponding elements.

Referring to claim **14**, the combination of Shoff et al. and Harper et al. teaches the non-

transitory machine-readable storage medium of claim 45, wherein the operations further

comprise storing the identified subsidiary data locally (Shoff et al. col. 7, l. 61-67 & col. 8, l. 1-

3).

Referring to claim **18**, the combination of Shoff et al. and Harper et al. teaches the non-

transitory machine-readable storage medium of claim 45, wherein the operations further

comprise facilitating entry, through the user interface, of one or more search terms for searching

the storage to locate a portion of subsidiary data (Shoff et al. col. 11, l. 25-47).

Referring to claim **20**, the combination of Shoff et al. and Harper et al. teaches the non-

transitory machine-readable storage medium of claim 45, wherein the operations further

comprise retrieving the identified subsidiary data from a remote server (from a service

provider)(Shoff et al. col. 9, l. 23-26).

Referring to claim **21**, the combination of Shoff et al. and Harper et al. teaches the non-transitory machine-readable storage medium of claim 45, wherein the portions of subsidiary data comprise at least one of reference information regarding a program of the primary content data (Shoff et al. col. 11, l. 25-33), biographical information regarding the actors (Shoff et al. col. 11, l. 25-33), guests or participants of a program of the primary content data (Shoff et al. col. 11, l. 25-33).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **22**, the combination of Shoff et al. and Harper et al. teaches the non-transitory machine-readable storage medium of claim 18, wherein the operations further comprise retrieving the located portion of subsidiary data independently of the primary content data (based on user selection)(Shoff et al. col. 11, l. 25-47).

Referring to claim **44**, Shoff et al. discloses a method comprising:

- receiving, at a subsidiary data control device, a plurality of portions of subsidiary data from an external source for storing at a storage (content author constructs a target resource with a plurality of events or user receives a CD-ROM with plurality of events)(col. 7, l. 61-67; col. 13, l. 23-67; & col. 14, l. 1-40), the portions including respective time values corresponding to times within a duration of a video content program encoded by primary content data (each EVENT references a TRIGGER that defines the time the EVENT is to occur)(col. 7, l. 61-67; col. 8, l. 1-3; col. 13, l. 50-67; & col. 14, l. 25-30), the time values identifying respective portions of subsidiary data as being associated with corresponding time segments of the primary content

data (when a TRIGGER occurs, the EVENT determines the ACTION to be taken, which references a URL to a resource or object to occur at that time)(col. 7, l. 67; col. 8, l. 1-3; col. 13, l. 50-67; & col. 14, l. 25-30), the primary content data to be displayed over a plurality of time segments (col. 8, l. 1-3; col. 10, l. 50-58; col. 11, l. 59-65; & Figs. 8b, 8c) and the subsidiary data being received separately from the primary data (over separate network or via CD-ROM)(Fig. 4);

- transmitting, by the subsidiary data control device, a representation of a user interface to a display device, wherein the user interface is configured to facilitate accessing the storage, identifying a portion of the subsidiary data, and retrieving the identified portion (soft buttons enable the user to select different types of supplemental content associated with the program)(col. 10, l. 59-67; col. 11, l. 1-47; & Figs. 8b, 8c); and

- generating, by the subsidiary data control device, an output signal that causes the display device to present visually the identified portion of the subsidiary data, the identified portion being received and retrieved independently of receiving the primary content data (layout template is defined by the digital data of the target resource)(col. 11, l. 48-65 & Figs. 4, 8b, 8c).

Shoff et al. further discloses transmitting subsidiary data in the vertical blanking interval (VBI) of a video program (col. 2, l. 32-38). Shoff et al. does not specifically disclose transmitting the subsidiary data via vertical blanking intervals (VBIs) of one or more other video content programs transmitted before transmission of the video content program. Harper et al. discloses transmitting audio and graphical interactive data through a video VBI (col. 3, l. 43-46; col. 8, l. 37-42; & col. 12, l. 53-57). Harper et al. further discloses that the interactive elements can be

embedded in video, transmitted before the program, and synched up through trigger points (col. 3, l. 52-61 & col. 7, l. 19-31). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the subsidiary data of Shoff et al. to be delivered as part of the VBI of video before the program, such as that taught by Harper et al. in order to provide a system where full interactivity is provided while conserving bandwidth (Harper col. 1, l. 58-62).

Referring to claim **45**, Shoff et al. discloses a non-transitory machine-readable storage medium having stored thereon machine-readable instructions which, in response to being executed, cause a system to perform operations, the operations comprising:

- receiving a plurality of portion of subsidiary data from an external source for storing at a storage (content author constructs a target resource with a plurality of events or user receives a CD-ROM with plurality of events)(col. 7, l. 61-67; col. 13, l. 23-67; & col. 14, l. 1-40), the portions including respective time values corresponding to times within a duration of a video content program encoded by primary content data (each EVENT references a TRIGGER that defines the time the EVENT is to occur)(col. 7, l. 61-67; col. 8, l. 1-3; col. 13, l. 50-67; & col. 14, l. 25-30), the time values respectively identifying corresponding portions of subsidiary data as being associated with corresponding time segments of the primary content data (when a TRIGGER occurs, the EVENT determines the ACTION to be taken, which references a URL to a resource or object to occur at that time)(col. 7, l. 67; col. 8, l. 1-3; col. 13, l. 50-67; & col. 14, l. 25-30), the primary content data to be displayed over a plurality of time segments (col. 8, l. 1-3; col. 10, l. 50-58; col. 11, l. 59-65; & Figs. 8b, 8c), the

subsidiary data being received separately from primary data (over separate network or

via CD-ROM)(Fig. 4);

- transmitting a representation of a user interface to a display device, wherein the user

interface is configured to facilitate accessing of the storage, identifying a portion of

the subsidiary data, and retrieving the identified portion of the subsidiary data (soft

buttons enable the user to select different types of supplemental content associated

with the program)(col. 10, l. 59-67; col. 11, l. 1-47; & Figs. 8b, 8c); and

- generating an output signal that causes the display device to present visually the

identified portion of the subsidiary data, the identified portion being received and

retrieved independently of receiving the primary content data (layout template is

defined by the digital data of the target resource)(col. 11, l. 48-65 & Figs. 4, 8b, 8c).

Shoff et al. further discloses transmitting subsidiary data in the vertical blanking interval (VBI)

of a video program (col. 2, l. 32-38). Shoff et al. does not specifically disclose transmitting the

subsidiary data via vertical blanking intervals (VBIs) of one or more other video content

programs transmitted before transmission of the video content program. Harper et al. discloses

transmitting audio and graphical interactive data through a video VBI (col. 3, l. 43-46; col. 8, l.

37-42; & col. 12, l. 53-57). Harper et al. further discloses that the interactive elements can be

embedded in video, transmitted before the program, and synched up through trigger points (col.

3, l. 52-61 & col. 7, l. 19-31). It would have been obvious to one of ordinary skill in the art at

the time that the invention was made to modify the subsidiary data of Shoff et al. to be delivered

as part of the VBI of video before the program, such as that taught by Harper et al. in order to

provide a system where full interactivity is provided while conserving bandwidth (Harper col. 1,

l. 58-62).

Referring to claim **47**, Shoff et al. discloses a method for providing video content,

comprising:

- receiving subsidiary data associated with a video program of primary content data at a

    video control device (content author constructs a target resource with a plurality of

    events or user receives a CD-ROM with plurality of events)(col. 7, l. 61-67; col. 13, l.

    23-67; & col. 14, l. 1-40), wherein the subsidiary data includes time values correlated

    to time segments of the video program and to respective portions of the subsidiary

    data (each EVENT references a TRIGGER that defines the time the EVENT is to

    occur. When a TRIGGER occurs, the EVENT determines the ACTION to be taken,

    which references a URL to a resource or object to occur at that time)(col. 7, l. 67; col.

    8, l. 1-3; col. 13, l. 50-67; & col. 14, l. 25-30);

- storing, by the video control device, the received subsidiary data in a storage device

    (from target resource or as CD-ROM)(col. 7, l. 61-67; col. 13, l. 23-67; & col. 14, l.

    1-40);

- receiving, at a video control device, a search term (user can search for different types

    of supplemental content)(col. 11, l. 25-47);

- identifying, by the video control device, a portion of the subsidiary data based at least

    in part on the received search term (col. 11, l. 25-47);

- retrieving, from the storage device, the identified portion of the subsidiary data (col.

    11, l. 25-47); and

-   transmitting, from the video control device to a display device, a video output signal

    which includes the retrieved identified portion of the subsidiary data (col. 11, l. 25-47

    & Figs. 8b, 8c).

Shoff et al. further discloses transmitting subsidiary data in the vertical blanking interval (VBI)

of a video program (col. 2, l. 32-38). Shoff et al. does not specifically disclose transmitting the

subsidiary data via vertical blanking intervals (VBIs) of another video program, wherein the

other video program is broadcast before broadcast of the video program. Harper et al. discloses

transmitting audio and graphical interactive data through a video VBI (col. 3, l. 43-46; col. 8, l.

37-42; & col. 12, l. 53-57). Harper et al. further discloses that the interactive elements can be

embedded in video, transmitted before the program, and synched up through trigger points (col.

3, l. 52-61 & col. 7, l. 19-31). It would have been obvious to one of ordinary skill in the art at

the time that the invention was made to modify the subsidiary data of Shoff et al. to be delivered

as part of the VBI of video before the program, such as that taught by Harper et al. in order to

provide a system where full interactivity is provided while conserving bandwidth (Harper col. 1,

l. 58-62).

6.   Claims **26, 29-31, 34-37, 46** is rejected under 35 U.S.C. 103(a) as being unpatentable

over Matthews, III et al. in view of Harper et al.

        Referring to claim **26**, the combination of Matthews, III et al. and Harper et al. teaches

the entertainment system of claim 46, wherein the storage database is stored in a local storage

medium (local cache)(Matthews III et al. col. 10, l. 3-8). Matthews, III et al. does not

specifically disclose that the local cache is a nonvolatile storage medium. Applicant's failure to

adequately traverse the Examiner's taking of Official Notice (that it is notoriously well-known

within the prior art to store data in a nonvolatile storage, such as a hard disk) in the last Office

Action is taken as an admission of the fact(s) noticed. It would have been obvious to one of

ordinary skill in the art at the time that the invention was made to modify the cache memory of

Matthews, III et al. in the combination of Matthews, III et al. and Harper et al. to be a nonvolatile

memory, such as that taught by the prior art in order to provide a more persistent storage medium

for keeping data safe from unintended deletion.

Referring to claim **29**, the combination of Matthews, III et al. and Harper et al. teaches

the entertainment system of claim 46, wherein the storage database includes an identification of a

remote server from which subsidiary data is to be retrieved (Matthews, III et al. Fig. 2) and

wherein the controller is further configured to retrieve the subsidiary data from the identified

remote server (provider of interactive content over VBI as taught by Harper)(Matthews, III et al.

col. 10, l. 27-32).

Referring to claim **30**, the combination of Matthews, III et al. and Harper et al. teaches

the entertainment system of claim 46, wherein the plurality of portions of subsidiary data

comprises at least one of reference information regarding a program of the primary content data

(Matthews, III et al. col. 7, l. 15-20), biographical information regarding the actors, guests or

participants of a program of the primary content data.

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any

reference containing any of the subsequent corresponding elements.

Referring to claim **31**, the combination of Matthews, III et al. and Harper et al. teaches

the entertainment system of claim 46, wherein the controller is further configured to retrieve the

portion of subsidiary data in response to a search term received via a user interface (Matthews, III et al. col. 10, l. 18-33, 54-57).

Referring to claim **34**, the combination of Matthews, III et al. and Harper et al. teaches the entertainment system of claim 46, wherein the controller is further configured to receive and store the subsidiary data in the storage database (Matthews, III et al. col. 7, l. 30-41 & col. 10, l. 3-11).

Referring to claim **35**, the combination of Matthews, III et al. and Harper et al. teaches the entertainment system of claim 46, wherein the controller is further configured to provide the user interface to allow a searching of the storage database with one or more search terms (Matthews, III et al. col. 10, l. 18-33, 54-57).

Referring to claim **36**, the combination of Matthews, III et al. and Harper et al. teaches the entertainment system of claim 46, wherein the controller is further configured to provide access to a programming guide (Matthews, III et al. col. 8, l. 50-65 & Fig. 5).

Referring to claim **37**, the combination of Matthews, III et al. and Harper et al. teaches the entertainment system of claim 46, wherein the controller is further configured to provide a user interface allowing input for toggling between display of the subsidiary data and display of the primary content data (the viewer can select between the program itself and its supplemental content within the EPG)(Matthews, III et al. col. 9, l. 24-31 & col. 10, l. 18-33).

Referring to claim **46**, Matthews, III et al. discloses an entertainment system (Fig. 1) comprising:

- a data receiver configured to receive a plurality of portions of subsidiary data from an external source for storing (supplemental content can be pre-cached at the

receiver)(col. 7, l. 8-20, 30-35; col. 10, l. 3-8, 13-17; & col. 11, l. 31-35), the portions

including respective time values corresponding to times within a duration of a video

content program encoded by primary content data (associated with the program

time)(Figs. 2, 5), the time values respectively identifying a corresponding portion of

subsidiary data as being associated with a time segment of the primary content data

(http://www/fox/com/startrek.html &

http://www.collections.com/trekkicollectables.html are associated with 10:00 PM

showing of Star Trek; Hitler, Pearl Harbor, and A-Bomb resources are associated

with 8:00 PM showing of WW II Documentary)(Figs. 2, 5), the primary content data

to be displayed over a plurality of time segments (Figs. 2, 5) and the subsidiary data

received separately from the primary content data (Fig. 3);

-   a storage database configured to store the plurality of portions of subsidiary data prior

    to receipt of the primary content data, the portions including the corresponding time

    values (col. 10, l. 3-8 & Fig. 2); and

-   a controller coupled to the data receiver and the storage database to retrieve a portion

    of the subsidiary data and forward the portion to a display prior to receiving the

    primary content data, the portion being retrieved in response to input received

    through a user interface (col. 10, l. 4-8; col. 12, l. 15-26; & Fig. 5) the input selecting

    the portion of subsidiary data for display independently of the primary content data

    (Fig. 3).

Matthews, III et al. does not specifically disclose that the subsidiary data is received via vertical

blanking intervals (VBIs) of one or more other video content programs transmitted before

transmission of the video content program. Harper et al. discloses transmitting audio and graphical interactive data through a video VBI (col. 3, l. 43-46; col. 8, l. 37-42; & col. 12, l. 53-57). Harper et al. further discloses that the interactive elements can be embedded in video, transmitted before the program, and synched up through trigger points (col. 3, l. 52-61 & col. 7, l. 19-31). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the subsidiary data of Shoff et al. to be delivered as part of the VBI of video before the program, such as that taught by Harper et al. in order to provide a system where full interactivity is provided while conserving bandwidth (Harper col. 1, l. 58-62).

7.   Claim **33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al., in view of Harper et al., and further in view of Shoff et al.

        Referring to claim **33**, the combination of Matthews, III et al. and Harper et al. teaches the entertainment system of claim 46. The combination of Matthews, III et al. and Harper et al. does not specifically teach a second controller coupled to the controller to combine the primary content data with the identified subsidiary data and forward the combined data to the display. Shoff et al. discloses integrating video content with Internet content received from a URL target resource into a single screen and outputting the screen to a display (col. 6, l. 7-29; col. 9, l. 54-59; col. 10, l. 59-60; & Figs. 8b, 8c). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the separate display of video content and web content associated with the video content taught by Matthews, III et al. to combine them into a single display, such as that taught by Shoff et al. in order to provide a more fun and sensory rich viewing environment for watching a video program (Shoff et al. col. 1, l. 26-33).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/
Primary Examiner, Art Unit 2424

10/24/2010